

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

OPENWAVE SYSTEMS INC.,	)	Defendants.
	)	
Plaintiff,	)	
	)	
	)	
vs.	)	
	)	
APPLE INC., RESEARCH IN MOTION LTD.	)	C.A. No. 11-765
and RESEARCH IN MOTION	MSG ) ) ) ) )	
CORP.,		

**STIPULATION AND [PROPOSED] ORDER  
TO STAY ACTION PENDING ITC  
DETERMINATION**

Plaintiff Openwave Systems Inc. (“Openwave”) and Defendants Apple Inc. (“Apple”), Research In Motion Ltd. and Research In Motion Corp. (collectively “RIM”) hereby stipulate, subject to the approval of the Court, as follows:

On August 31, 2011, Openwave filed its Complaint against Apple and RIM in this action (“the Delaware action”), alleging infringement of U.S. Patent Nos. 6,233,608, 6,289,212, 6,405,037, 6,430,409 and 6,625,447.

These same five patents are at issue in an ongoing ITC action, Investigation No. 337-TA 809 (“the ITC action”), instituted on October 7, 2011.

Pursuant to 28 U.S.C. § 1659, Apple and RIM are entitled to a mandatory stay of the Delaware action until the determination of the Commission becomes final.

The parties agree to an immediate stay of the Delaware action until such time as the ITC action has been finally resolved.

/s/ Rodger D. Smith II  
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*Attorneys for Defendants Research In  
Motion Ltd. and Research In Motion Corp.*

**IT IS SO ORDERED** this 17<sup>th</sup> day of October, 2011.

/s/ Mitchell S. Goldberg

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United States District Court Judge